

Message Text

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INFO OCT-01 ISO-00 /005 R

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DRAFTED BY:ARA:CBJACOBINI:MBB

APPROVED BY:ARA:CBJACOBINI

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

AMEMBASSY SAN SALVADOR IMMEDIATE

C O N F I D E N T I A L STATE 233060

FOR SHLAUDEMAN FROM LUERS

FOLLOWING REPEAT LIMA 8516 ACTION SECSTATE 20 SEP 76.

QUTE: C O N F I D E N T I A L LIMA 8516

FOR ARA WILLIAMS LUERS, L 7 MARK FELDMAN, TREASURY 7

RICHARD ERB

E.O. 11652: GDS

TAGS: BDIS, EIND, EINV, EMIN, PFOR, PE

SUBJECT: MARCONA STATUS REPORT

1. SUMMARY: GOP WANTS TO SETTLE--BUT IS HAVING DIFFICULTY COPING WITH SHIPPING ASPECT OF APRIL AGREEMENT IN PRINCIPLE. WE BELIEVE, HOWEVER, IT MAY STILL BE POSSIBLE TO REACH AGREEMENT WITHIN HOURS BY MAXIMIZING CASH AND ORE SALES, AND THEREFORE WISH TO ALERT DEPARTMENT TO POSSIBLE NEED FOR CLEARANCE FOR SOMEWHAT REVISED TEXT OF INTERGOVERNMENTAL AGREEMENT BEING SENT SEPTTEL. END SUMMARY.

2. AS OF SUNDAY NIGHT, VIRTUALLY ALL ISSUES RELATING TO ORE SALES CONTRACT HAD BEEN RESOLVED, BUT SERIOUS PROBLEM EXISTED
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OVER FREIGHT RATES TO BE INCLUDED IN SHIPPING CONTRACT.

.S. TEAM HAD BEEN CONSIDERING, WITHOUT ACCEPTING, PERUVIAN PROPOSAL CALLING FOR A PACKAGE OF \$30.2 MILLION CASH (NOTE PAYABLE WHEN BALANCE OF PAYMENT FINANCING BECOMES AVAILABLE, PROBABLY ABOUT NOVEMBER 1), \$11 MILLION IN COMPENSATION FROM FREIGHT CONTRACT (PRESENT CONTRACT PLUS THREE YEAR EXTENSION), AND REVISED ORE SALES CONTRACT, INCLUDING ALREADY AGREED .1 MILLION TONS OVER THREE YEARS (\$18 MILLION ASSUMING \$6 PER TON MARGIN) PLUS ADDITIONAL \$33,000 TONS TO PRODUCE ADDITIONAL ESTIMATED \$3.8 MILLION. ASSUMING FREIGHT CONTRACT DETAILS CAN BE WORKED OUT, OR SUITABLE ALTERNATIVE MEANS TO PRODUCE NECESSARY \$9 MILLION CAN BE FOUND, CONTRACTS, PROMISSARY NOTE AND INTERGOVERNMENTAL AGREEMENT WILL BE PRESENTED TO COUNCIL OF MINISTERS TUESDAY, WITH SIGNATURE OF ALL FOUR SCHEDULED FOR WEDNESDAY.

2. GOP HAS DECIDED THAT RATHER THAN TRY TO CONCEAL IN DIRECT PORTION OF SETTLEMENT, IT WILL PUBLICLY ACKNOWLEDGE NOT ONLY DIRECT CASH PAYMENT BUT ESTIMATED INDIRECT COMPENSATION ELEMENTS OF PACKAGE AS WELL. AS A RESULT, IT HAS REVERTED TO ORIGINAL CONCEPT (SUGGESTED BY US) OF INTERGOVERNMENTAL AGREEMENT (RATHER THAN JOINT COMMUNIQUE PLUS EXCHANGE OF NOTES COVERING QUITCLAIM). DRAFT TEXT-- WHICH WE WILL CABLE MONDAY A.M. TO WASHINGTON - LARGELY INCORPORATES ALREADY AGREED LANGUAGE AND APPEARS TO RAISE NO SERIOUS PROBLEMS.

3. KEY AREA STILL IN DISPUTE, AS NOTED ABOVE, IS FREIGHT RATES, MARCONA'S RATES, WHILE BASED ON WORLD SHIPPING INDEXES, ARE SIGNIFICANTLY HIGHER THAN RECENT QUOTES RECEIVED BY PERUVIAN SHIPPING ENTITY, AND KEY MINISTERS ARE BOTH WORRIED ABOUT PUBLICLY EXPLAINING WHY MARCONA IS BEING PAID A HIGHER RATE, AND SUSPICIOUS OF MARCONA'S GOOD FAITH. WE ARE EXPLORING ALTERNATIVE MEANS OF REALIZING \$9 MILLION IN COMPENSATION (EXISTING FREIGHT CONTRACT WILL PRODUCE ABOUT \$2 MILLION) AND BY MIDDAY MONDAY SHOULD HAVE SOME IDEA HOW MATTER WILL BE RESOLVED.

4. ARA PLEASE REPEAT TO HARRY SHLAUDEMANN. DEAN
UNQUOTE ROBINSON
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, INTERGOVERNMENTAL COOPERATION, STEAMSHIP LINES, FREIGHT RATES, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE233060
Document Source: CORE
Document Unique ID: 00
Drafter: ARA:CBJACOBINI:MBB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760355-0504
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760940/aaaabidi.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUL 2004 by izenbei0>; APPROVED <27 OCT 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MARCONA STATUS REPORT
TAGS: BDIS, EIND, EINV, EMIN, PFOR, PE
To: SAN JOSE SAN SALVADOR
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006